

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:22-cv-00175-MR**

AUSTIN REID PITTMAN,)
)
 Plaintiff,)
)
 vs.)
)
)
 FNU MOSS, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff's "Motion for Voluntary Dismissal w/out Prejudice." [Doc. 24].

Pro se Plaintiff Austin Reid Pittman ("Plaintiff") filed this action pursuant to 42 U.S.C. § 1983 against Defendants Moss, Kinder, and Lay, all identified as prison officials at Alexander Correctional Institution ("Alexander") in Taylorsville, North Carolina, based on their alleged failure to protect Plaintiff from harm by Sergeant Clawson on July 19, 2022.¹ [Doc. 1]. Plaintiff's Complaint passed initial review. [Doc. 7]. Recently, the Court extended the dispositive motions deadline to January 19, 2024. [12/4/2023 Text Order].

¹ Plaintiff has filed two other actions related to these events, the first against Sergeant Clawson for his alleged use of excessive force, and the second against Warden Huneycutt for his alleged denial of medical care to Plaintiff after the incident. See Case Nos. 5:22-cv-00156-MR & 5:22-cv-00164-MR.

Plaintiff now moves the Court to dismiss his Complaint without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. [See Doc. 24]. As grounds, Plaintiff states that he has had “numerous medical issues which required lengthy hospital stays” and that he “has not had the time to devote to this case.” [Id. at 1-2]. The Court will grant Plaintiff’s motion to dismiss without prejudice under these circumstances. Fed. R. Civ. P. 41(a)(2).

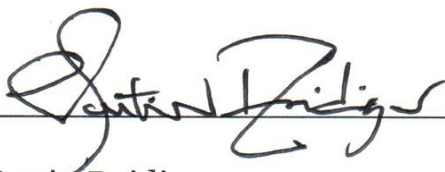
ORDER

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Voluntary Dismissal [Doc. 24] is **GRANTED** and this action is hereby **DISMISSED without prejudice**.

The Clerk is respectfully instructed to terminate this action.

IT IS SO ORDERED.

Signed: December 19, 2023



Martin Reidinger
Chief United States District Judge

